



## CITY COUNCIL COMMUNICATION

From: The Office of the City Manager

Date: 11-20-2007

Subject: Agenda Item No. E.2

**Public Hearing and Consideration of a Municipal Setting Designation Ordinance  
for 114 NE 28th Street**

- a. Conduct Public Hearing for a municipal setting designation for 114 NE 28th Street (Delfasco Forge); and
- b. Consider applicant's request for adoption of an ordinance approving a municipal setting designation for 114 NE 28th Street (Delfasco Forge)

PRESENTER: James R. Cummings, Environmental Services Director

RECOMMENDED ACTION:

Conduct a public hearing to receive input concerning the proposed municipal setting designation ordinance for 114 NE 28<sup>th</sup> Street (Delfasco Forge). Environmental Services Department staff recommends **denial** of the request for the passage of a municipal setting designation ordinance for this location.

ANALYSIS:

See attached staff report.

FINANCIAL CONSIDERATION: N/A

Attachments: 1. Staff Report  
2. Ordinance  
3. Maps



872053

**Staff Report**

**Topic: Delfasco Forge Municipal Setting Designation (MSD) Request**

**Date: August 14, 2007**

**Staff Recommendation:**

---

The Environmental Services Department recommends denial of the request by Delfasco Forge for the consideration and approval of a municipal setting designation ordinance for the property located at 114 NE 28<sup>th</sup> Street.

**Introduction:**

In September 2003, the Texas Legislature amended the State of Texas Health and Safety Code to authorize Municipal Setting Designations (MSD). The MSD Legislation provided a mechanism for allowing a less expensive and faster alternative to existing state environmental regulations governing the investigation and cleanup of contaminated groundwater if access to the groundwater has been restricted from use as potable water by an ordinance. The intent of the legislation is to encourage redevelopment of vacant or abandoned Brownfield properties while protecting the public health.

The legislation requires that a person seeking to obtain an MSD must submit an application to the executive director of the Texas Commission on Environmental Quality (TCEQ). The legislation also requires that the person seeking the MSD must meet certain pre-certification requirements.

One pre-certification requirement is that the MSD application must be supported by the city council of the municipality in which the property for which the MSD is sought is located through an ordinance that prohibits the use of designated groundwater from beneath the property as potable water.

**Analysis:**

The following issues were examined and considered in the review of the Delfasco Forge's municipal setting designation application:

*1. Applicant's Compliance History*

A review of the city's historical environmental files for 114 NE 28<sup>th</sup> Street do not reveal any significant violations concerning the improper handling/disposal of hazardous materials or other environmental regulations. The facility was required to implement noise abatement practices to alleviate violations of the city's noise ordinance caused by the hammer forge operation. The company ceased operations in 1998.

*2. Applicant's Current Compliance Status*

Delfasco Forge is still the current property owner, but no longer occupies the property. The property is leased by an automotive repair business, which based on recent inspections, is in compliance with the city's auto-related business ordinance.

3. *Contamination Consideration*

The shallow groundwater directly in the vicinity of the Delfasco site is contaminated by trichloroethylene (TCE) and its breakdown daughter products. TCE is a colorless liquid which has been widely used historically as a degreasing agent for the cleaning of metal parts. According to the federal Agency for Toxic Substances and Disease Registry, TCE if consumed in high concentrations may cause nervous system effects, liver and lung damage, abnormal heartbeat, coma, and death. Additionally, TCE has been determined to be "probably carcinogenic to humans". The concentrations of TCE in the groundwater plume and in soil borings collected at 114 NE 28<sup>th</sup> Street have been shown to be above the residential protective concentration (PCL) limits set by the Texas Commission on Environmental Quality. The soils boring also indicate the presence of other chlorinated solvents, as well as, petroleum hydrocarbons. City staff is not knowledgeable of any information that indicates that nearby residents have been exposed to levels of these chemicals that would cause negative health impacts.

4. *Contamination Source*

Soil data from 114 NE 114<sup>th</sup> Street indicates that the chemical release did occur at this location. It is not known when the release occurred or if Delfasco was under the current ownership at the time of the release. Delfasco did use limited amounts of TCE from 1980-1998 while under its current ownership.

5. *Development/Redevelopment Potential*

It is not expected that this property will be used in any manner other than its current use due to the mixed zoning of the area. The immediate adjacency of residential housing significantly restricts redevelopment potential.

6. *Geology/Migration Potential*

TCE concentrations in monitoring wells along the margins of the plume have remained stable over the past three years. The groundwater flows in a southwest to northeast direction, but due to the underlying geology, is not expected to increase further due to shale elevations beyond the plume terminus. The shallow groundwater in the area is underlain by the imperious Eagle Ford shale formation. Thus, contamination of deeper high quality drinking water aquifers is very unlikely.

7. *Litigation Status*

A civil liability lawsuit was filed in June, 2006 in Dallas District Court against Delfasco Forge by twenty-two homeowners. The lawsuit was filed for property damages and punitive damages. The case is scheduled to be heard in the spring of 2008. The city is not a party to the lawsuit. The statute creating municipal setting designations specifically details that an MSD does not shield the applicant from private civil legal action.

8. *Plume/MSD Coverage Area*

The plume is approximately 1,100 feet wide and 2,650 feet long, covering more than 65 acres. The proposed MSD boundary covers only the former Delfasco property, less than 2 acres.

9. *Potential Impact on Public Property*

The plume has migrated under several city streets including MacArthur Blvd. The plume is immediately east of Fannin Elementary School and the plume is not currently migrating in the direction of the school.

10. *Potential Impact on Municipal Wells*

City well #16 is approximately ¼ mile northwest of the groundwater plume in Bowles Park. The plume is not currently migrating in the direction of this well. City wells are deep wells and would be normally expected to be protected from surface contamination by the Eagle Ford Shale Formation.

11. *Potential Impact on Private Wells*

There are 2 private wells within ¼ mile of the plume. These wells are now unusable by the residents and will need to be abandoned.

12. *Potential for Remediation*

It is unknown what measures will be proposed to remediate this site. A response action plan has not been submitted to the TCEQ regarding this site. Measures could range from active (pump and treat systems) to passive (plume management zones).

13. *Proximity of Residential Housing*

The plume is under more than 100 residential lots.

14. *Support of Adjoining Property Owners*

Three homeowners attended the public meeting; 2 opposed the MSD.

15. *Support of Other Potentially Impacted Parties*

Two well owners within 5 miles attended the public meeting, 1 supported the MSD. A business owner on Bagdad also attended the meeting, but did not fill out a speaker card nor did he oppose or support the MSD ordinance.

**Conclusion:**

Following an extensive review of the application and the information obtained through a public meeting held on July 12, 2007, Environmental Services Department staff is recommending **denial** of the applicant's request for the passage of an ordinance prohibiting the usage of shallow groundwater at 114 NE 28<sup>th</sup> Street. Staff believes that the current application does not support any future redevelopment for the subject property and does not provide the best option for the adjoining residential property owners negatively impacted by the groundwater plume. While there is no guarantee that the state will ever require the applicant to take active remediation action on this site, other alternatives such as a plume management zone would require the applicant to continue to monitor the plume and continue an information dialogue with area residents.

If the City Council elects to approve the ordinance, it is staff's recommendation that the MSD area be expanded to encompass the entire plume. This would require the tabling of this item and that direction be given to the applicant to provide the metes and bounds legal description of the plume coverage area.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ESTABLISHING LOT 100A AND LOT 101A OF THE REPLAT OF LOTS 99, 100, 101, AND 102 OF BURBANK GARDEN ADDITION, AN ADDITION TO THE CITY OF GRAND PRAIRIE, DALLAS COUNTY, TEXAS AS A MUNICIPAL SETTING DESIGNATION SITE; PROVIDING FOR THE PROHIBITION OF GROUNDWATER FOR POTABLE AND IRRIGATION PURPOSES FOR THE SITE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A PENALTY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; CONTAINING A SAVINGS CLAUSE; AND TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL**

WHEREAS, the City Council of the City of Grand Prairie adopted Ordinance No. 7329 on January 3, 2006 establishing processes, procedures and restrictions associated with a Municipal Setting Designation authorized under Chapter 361, Subchapter W of the Texas Health and Safety Code; and

WHEREAS, Delfasco Forge (applicant) has filed an application with the City of Grand Prairie for the City's approval of a Municipal Setting Designation (MSD) for Lot 100A and Lot 101A of the replat of lots 99, 100, 101, and 102 of Burbank Garden Addition located at 114 Northeast 28<sup>th</sup> Street, Grand Prairie, Texas, more fully described in Exhibit "A" attached hereto and incorporated within its entirety; and

WHEREAS, upon passage of a supporting resolution by the City Council, Applicant intends to file a separate application with the Executive Director of the Texas Commission on Environmental Quality (TCEQ) for certification of an MSD for the Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W; and

WHEREAS, the City Council of the City of Grand Prairie is of the opinion that it is in the best interest of the public and the City to support Applicant's application to the Texas Commission on Environmental Quality for a Municipal Setting Designation for the Site; and

WHEREAS, in order for the TCEQ to certify the Site the City must prohibit the potable use of groundwater from beneath the Site; and

WHEREAS, a public drinking water system exists that supplies or is capable of supplying drinking water to the Site, and property within one-half mile of the Site; and

WHEREAS, where public drinking water is available, the potable use of groundwater in designated areas should be prohibited to protect public health and welfare when the quality of the groundwater presents an actual or potential threat the human health; and

WHEREAS, City Council has found that the passage of the Ordinance serves the best interests of the health, safety, and safety, and welfare of the public.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS:**

**SECTION 1:** That for purposes of this Municipal Setting Designation ordinance, the "designated" property means the property described in Exhibit A, attached to the ordinance.

**SECTION 2:** That for the purpose of this Municipal Setting Designation ordinance, the "designated groundwater" means water below the surface of the designated property to a depth of 100 feet. The designated groundwater is the saturated soil or the groundwater bearing unit located between the ground surface and the Eagle Ford Shale formation. This shallow groundwater is in alluvial terrace deposits located above the Eagle Ford Shale and uppermost Woodbine Formation which underlie the site. The designated groundwater zone is characterized by clays, clayey sands and silty sands above the bedrock unit (Eagle Ford Shale).

**SECTION 3:** That the use of the designated groundwater from beneath the designated property as potable or irrigation water is prohibited. This prohibition is necessary because the contaminant concentrations exceed potable water standards.

**SECTION 4:** That chlorinated solvents and total petroleum hydrocarbons have been detected within the designated groundwater at concentrations exceeding residential assessment levels for potable use.

**SECTION 5:** That the City will provide at least sixty (60) days written notice to the Texas Commission on Environmental Quality prior to enacting an ordinance repealing or amending this ordinance.

**SECTION 6:** That if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect validity of the remaining portions thereof.

**SECTION 7:** That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 8:** All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Grand Prairie, Texas, in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

**SECTION 9:** That any person, firm, or corporation who violates any provision of this ordinance or violates any requirement established is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the City of Grand

Prairie, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation.

**SECTION 10:** That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS, THIS THE 20TH DAY OF NOVEMBER, 2007.

APPROVED:

\_\_\_\_\_  
Mayor

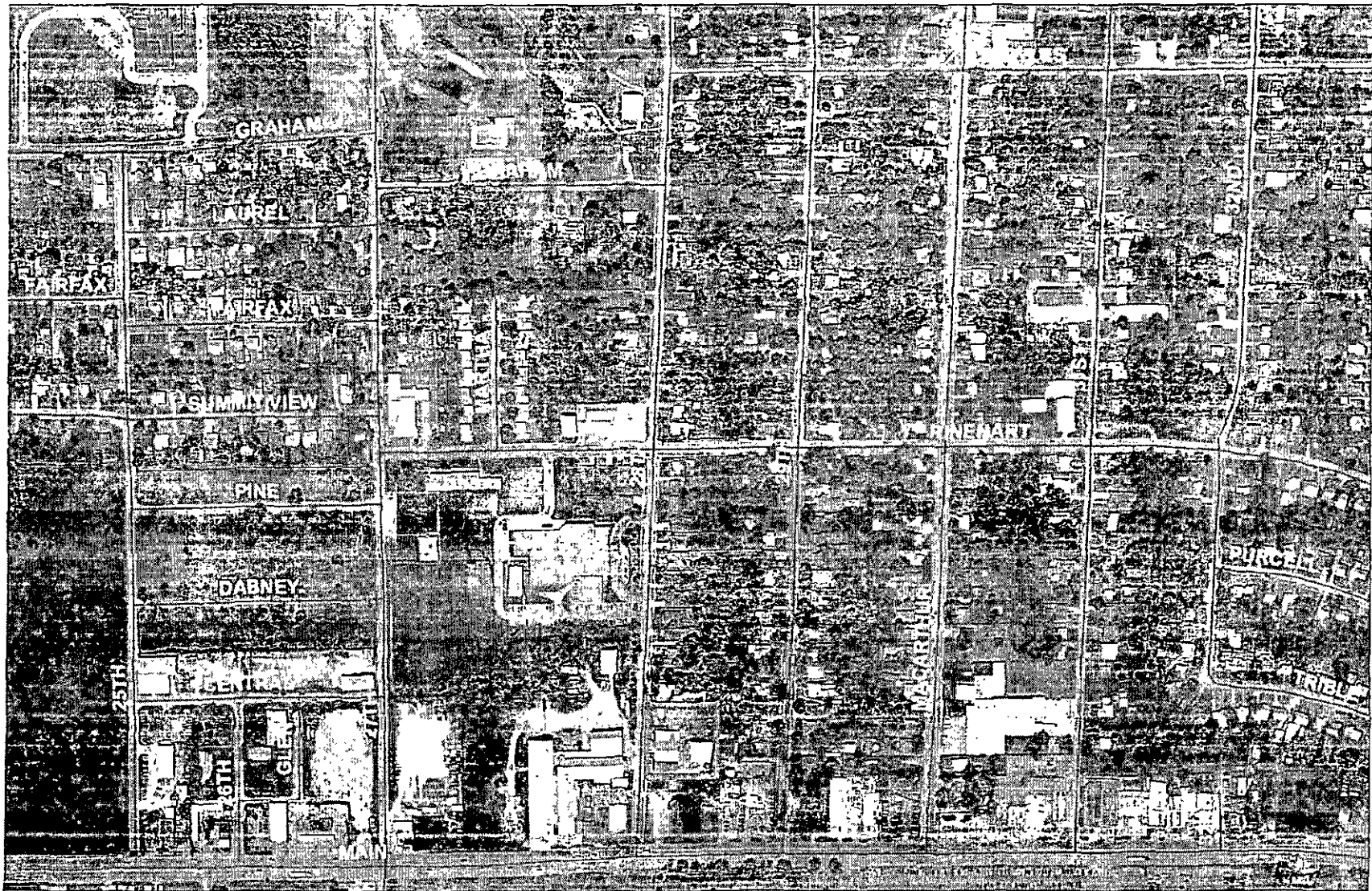
ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney





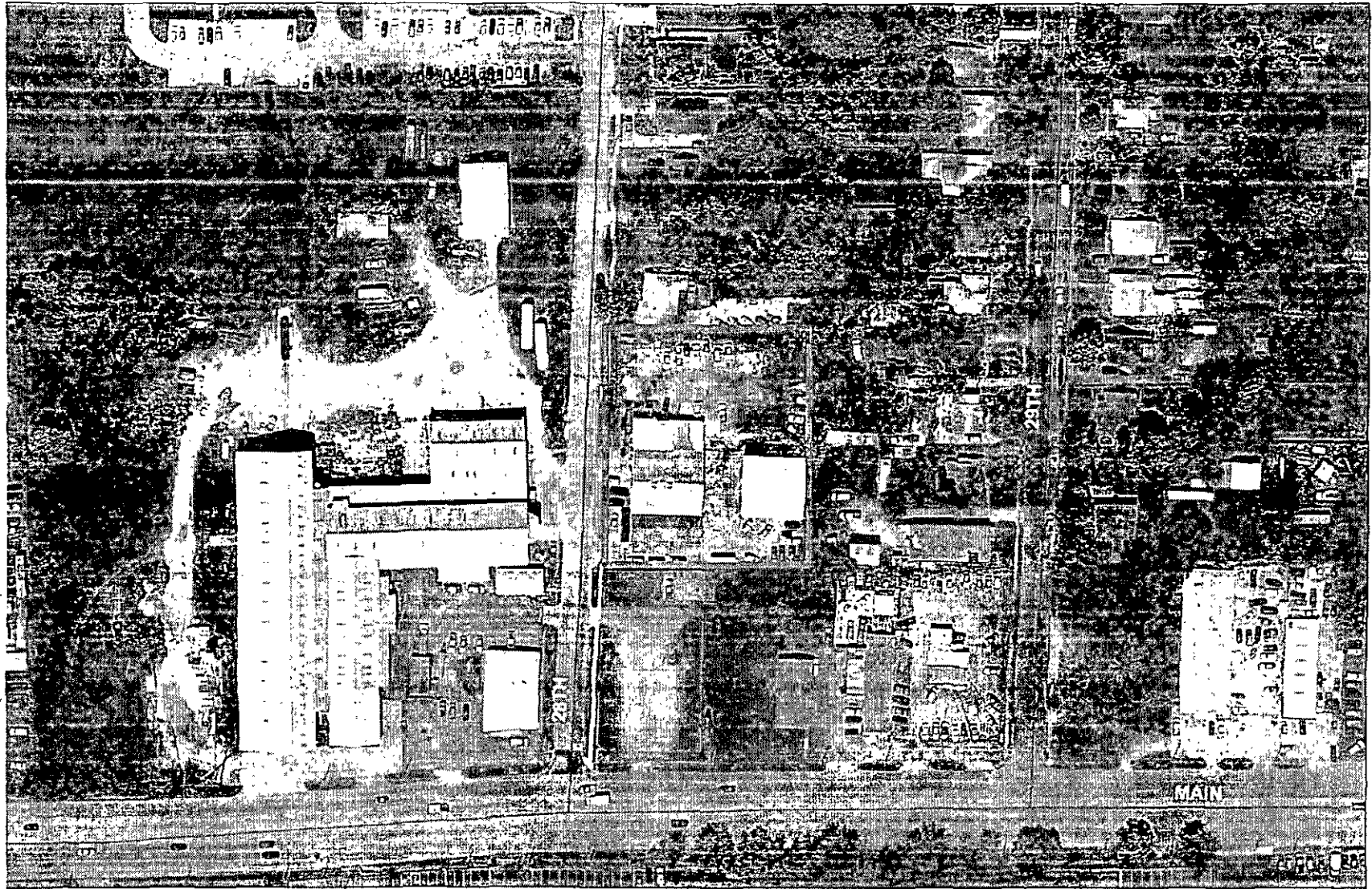
Scale: 1" = 100'



**Delfasco Forge**  
**114 NE 28th Street**

Map by: Jim Cummings  
 Decalim: ESO  
 Date: 02/11/2007

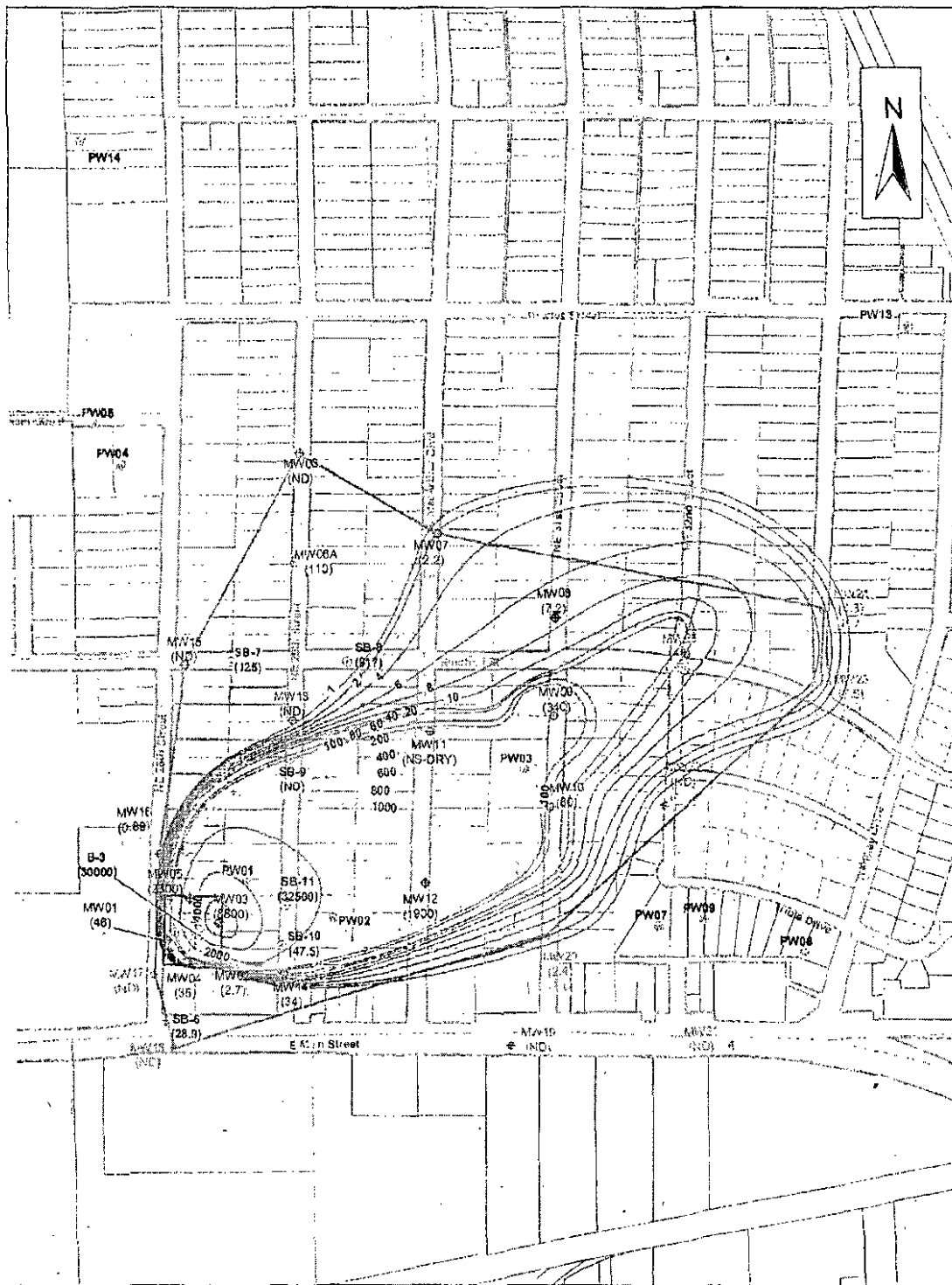
Attachment 3



0 50 100 Feet

**Delfasco Forge**  
**114 NE 28th Street**

Prepared By: Jim Cummings  
Department: ESO  
Date: 07/21/2007



- Monitor Wells Installed in May 2006
- ⊙ Private Water Wells
- ⊙ Temporary Monitor Well
- ⊙ Monitor Well
- ⊙ State Registered Water Well
- Proposed MSD Boundary
- Delfasco Forge Property Boundary
- PCLE Zone
- 2006 TCE Concentration Contours
  - 1 to 10 ppb
  - 20 to 100 ppb
  - 200 to 1000 ppb
  - 2000 to 10,000 ppb
- October 2006 Sampling Results

400 0 400 800 Feet

**ENSAFÉ**

ATTACHMENT 2  
TCE (ppb) GROUNDWATER  
ISOCONCENTRATION MAP  
FORMER DELFASCO FORGE FACILITY  
114 N.E. 28TH STREET  
GRAND PRAIRIE, TEXAS

DATE: 1/26/2007 D:\projects\Delfasco\Project Files\MSD\gwg and map project.apr



## **Staff Report**

**Topic: Delfasco Forge Municipal Setting Designation (MSD) Request**

**Date: August 14, 2007**

---

### **Staff Recommendation:**

The Environmental Services Department recommends **denial** of the request by Delfasco Forge for the consideration and approval of a municipal setting designation ordinance for the property located at 114 NE 28<sup>th</sup> Street.

### **Introduction:**

In September 2003, the Texas Legislature amended the State of Texas Health and Safety Code to authorize Municipal Setting Designations (MSD). The MSD Legislation provided a mechanism for allowing a less expensive and faster alternative to existing state environmental regulations governing the investigation and cleanup of contaminated groundwater if access to the groundwater has been restricted from use as potable water by an ordinance. The intent of the legislation is to encourage redevelopment of vacant or abandoned Brownfield properties while protecting the public health.

The legislation requires that a person seeking to obtain an MSD must submit an application to the executive director of the Texas Commission on Environmental Quality (TCEQ). The legislation also requires that the person seeking the MSD must meet certain pre-certification requirements.

One pre-certification requirement is that the MSD application must be supported by the city council of the municipality in which the property for which the MSD is sought is located through an ordinance that prohibits the use of designated groundwater from beneath the property as potable water.

### **Analysis:**

The following issues were examined and considered in the review of the Delfasco Forge's municipal setting designation application:

#### *1. Applicant's Compliance History*

A review of the city's historical environmental files for 114 NE 28<sup>th</sup> Street do not reveal any significant violations concerning the improper handling/disposal of hazardous materials or other environmental regulations. The facility was required to



## CITY COUNCIL COMMUNICATION

From: The Office of the City Manager

Date: 08-14-2007

Subject: Agenda Item No. E.2

### **Public Hearing and Consideration of a Municipal Setting Designation Ordinance for 114 NE 28th Street.**

a. **Public Hearing and consideration of the approval of a municipal setting designation for 114 NE 28th Street (Delfasco Forge).**

b. **Consider applicant's request for the passage of an ordinance approving a municipal setting designation for 114 NE 28th Street (Delfasco Forge).**

PRESENTER: James R. Cummings, Environmental Services Director

#### RECOMMENDED ACTION:

Conduct a public hearing to receive input concerning the proposed municipal setting designation ordinance for 114 NE 28<sup>th</sup> Street (Delfasco Forge). Environmental Services Department staff recommends **denial** of the request for the passage of a municipal setting designation ordinance for this location.

#### ANALYSIS:

See attached staff report.

FINANCIAL CONSIDERATION: N/A

Attachments: 1. Staff Report  
2. Ordinance  
3. Maps

implement noise abatement practices to alleviate violations of the city's noise ordinance caused by the hammer forge operation. The company ceased operations in 1998.

2. *Applicant's Current Compliance Status*

Delfasco Forge is still the current property owner, but no longer occupies the property. The property is leased by an automotive repair business, which based on recent inspections, is in compliance with the city's auto-related business ordinance.

3. *Contamination Consideration*

The shallow groundwater directly in the vicinity of the Delfasco site is contaminated by trichloroethylene (TCE) and its breakdown daughter products. TCE is a colorless liquid which has been widely used historically as a degreasing agent for the cleaning of metal parts. According to the federal Agency for Toxic Substances and Disease Registry, TCE if consumed in high concentrations may cause nervous system effects, liver and lung damage, abnormal heartbeat, coma, and death. Additionally, TCE has been determined to be "probably carcinogenic to humans". The concentrations of TCE in the groundwater plume and in soil borings collected at 114 NE 28<sup>th</sup> Street have been shown to be above the residential protective concentration (PCL) limits set by the Texas Commission on Environmental Quality. The soils boring also indicate the presence of other chlorinated solvents, as well as, petroleum hydrocarbons. City staff is not knowledgeable of any information that indicates that nearby residents have been exposed to levels of these chemicals that would cause negative health impacts.

4. *Contamination Source*

Soil data from 114 NE 114<sup>th</sup> Street indicates that the chemical release did occur at this location. It is not known when the release occurred or if Delfasco was under the current ownership at the time of the release. Delfasco did use limited amounts of TCE from 1980-1998 while under its current ownership.

5. *Development/Redevelopment Potential*

It is not expected that this property will be used in any manner other than its current use due to the mixed zoning of the area. The immediate adjacency of residential housing significantly restricts redevelopment potential.

6. *Geology/Migration Potential*

TCE concentrations in monitoring wells along the margins of the plume have remained stable over the past three years. The groundwater flows in a southwest to northeast direction, but due to the underlying geology, is not expected to increase further due to shale elevations beyond the plume terminus. The shallow groundwater in the area is underlain by the imperious Eagle Ford shale formation. Thus, contamination of deeper high quality drinking water aquifers is very unlikely.

7. *Litigation Status*

A civil liability lawsuit was filed in June, 2006 in Dallas District Court against Delfasco Forge by twenty-two homeowners. The lawsuit was filed for property damages and punitive damages. The case is scheduled to be heard in the spring of 2008. The city is not a party to the lawsuit. The statute creating municipal setting designations specifically details that an MSD does not shield the applicant from private civil legal action.

8. *Plume/MSD Coverage Area*

The plume is approximately 1,100 feet wide and 2,650 feet long, covering more than 65 acres. The proposed MSD boundary covers only the former Delfasco property, less than 2 acres.

9. *Potential Impact on Public Property*

The plume has migrated under several city streets including MacArthur Blvd. The plume is immediately east of Fannin Elementary School and the plume is not currently migrating in the direction of the school.

10. *Potential Impact on Municipal Wells*

City well #16 is approximately ¼ mile northwest of the groundwater plume in Bowles Park. The plume is not currently migrating in the direction of this well. City wells are deep wells and would be normally expected to be protected from surface contamination by the Eagle Ford Shale Formation.

11. *Potential Impact on Private Wells*

There are 2 private wells within ¼ mile of the plume. These wells are now unusable by the residents and will need to be abandoned.

12. *Potential for Remediation*

It is unknown what measures will be proposed to remediate this site. A response action plan has not been submitted to the TCEQ regarding this site. Measures could range from active (pump and treat systems) to passive (plume management zones).

13. *Proximity of Residential Housing*

The plume is under more than 100 residential lots.

14. *Support of Adjoining Property Owners*

Three homeowners attended the public meeting; 2 opposed the MSD.

*15. Support of Other Potentially Impacted Parties*

Two well owners within 5 miles attended the public meeting, 1 supported the MSD. A business owner on Bagdad also attended the meeting, but did not fill out a speaker card nor did he oppose or support the MSD ordinance.

**Conclusion:**

Following an extensive review of the application and the information obtained through a public meeting held on July 12, 2007, Environmental Services Department staff is recommending **denial** of the applicant's request for the passage of an ordinance prohibiting the usage of shallow groundwater at 114 NE 28<sup>th</sup> Street. Staff believes that the current application does not support any future redevelopment for the subject property and does not provide the best option for the adjoining residential property owners negatively impacted by the groundwater plume. While there is no guarantee that the state will ever require the applicant to take active remediation action on this site, other alternatives such as a plume management zone would require the applicant to continue to monitor the plume and continue an information dialogue with area residents.

If the City Council elects to approve the ordinance, it is staff's recommendation that the MSD area be expanded to encompass the entire plume. This would require the tabling of this item and that direction be given to the applicant to provide the metes and bounds legal description of the plume coverage area.



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ESTABLISHING LOT 100A AND LOT 101A OF THE REPLAT OF LOTS 99, 100, 101, AND 102 OF BURBANK GARDEN ADDITION, AN ADDITION TO THE CITY OF GRAND PRAIRIE, DALLAS COUNTY, TEXAS AS A MUNICIPAL SETTING DESIGNATION SITE; PROVIDING FOR THE PROHIBITION OF GROUNDWATER FOR POTABLE AND IRRIGATION PURPOSES FOR THE SITE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A PENALTY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SAVINGS CLAUSE; AND TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL.**

WHEREAS, the City Council of the City of Grand Prairie adopted Ordinance No. 7329 on January 3, 2006 establishing processes, procedures and restrictions associated with a Municipal Setting Designation authorized under Chapter 361, Subchapter W of the Texas Health and Safety Code; and

WHEREAS, Delfasco Forge (applicant) has filed an application with the City of Grand Prairie for the City's approval of a Municipal Setting Designation (MSD) for Lot 100A and Lot 101A of the replat of lots 99, 100, 101, and 102 of Burbank Garden Addition located at 114 Northeast 28<sup>th</sup> Street, Grand Prairie, Texas, more fully described in Exhibit "A" attached hereto and incorporated within its entirety; and

WHEREAS, upon passage of a supporting resolution by the City Council, Applicant intends to file a separate application with the Executive Director of the Texas Commission on Environmental Quality (TCEQ) for certification of an MSD for the Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W; and

WHEREAS, the City Council of the City of Grand Prairie is of the opinion that it is in the best interest of the public and the City to support Applicant's application to the Texas Commission on Environmental Quality for a Municipal Setting Designation for the Site; and

WHEREAS, in order for the TCEQ to certify the Site the City must prohibit the potable use of groundwater from beneath the Site; and

WHEREAS, a public drinking water system exists that supplies or is capable of supplying drinking water to the Site, and property within one-half mile of the Site; and

WHEREAS, where public drinking water is available, the potable use of groundwater in designated areas should be prohibited to protect public health and welfare when the quality of the groundwater presents an actual or potential threat the human health; and

WHEREAS, City Council has found that the passage of the Ordinance serves the best interests of the health, safety, and safety, and welfare of the public.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS:**

**SECTION 1:** That for purposes of this Municipal Setting Designation ordinance, the "designated" property means the property described in Exhibit A, attached to the ordinance.

**SECTION 2:** That for the purpose of this Municipal Setting Designation ordinance, the "designated groundwater" means water below the surface of the designated property to a depth of 100 feet. The designated groundwater is the saturated soil or the groundwater bearing unit located between the ground surface and the Eagle Ford Shale formation. This shallow groundwater is in alluvial terrace deposits located above the Eagle Ford Shale and uppermost Woodbine Formation which underlie the site. The designated groundwater zone is characterized by clays, clayey sands and silty sands above the bedrock unit (Eagle Ford Shale).

**SECTION 3:** That the use of the designated groundwater from beneath the designated property as potable or irrigation water is prohibited. This prohibition is necessary because the contaminant concentrations exceed potable water standards.

**SECTION 4:** That chlorinated solvents and total petroleum hydrocarbons have been detected within the designated groundwater at concentrations exceeding residential assessment levels for potable use.

**SECTION 5:** That the City will provide at least sixty (60) days written notice to the Texas Commission on Environmental Quality prior to enacting an ordinance repealing or amending this ordinance.

**SECTION 6:** That if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect validity of the remaining portions thereof.

**SECTION 7:** That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 8:** All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Grand Prairie, Texas, in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

**SECTION 9:** That any person, firm, or corporation who violates any provision of this ordinance or violates any requirement established is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation.

**SECTION 10:** That this ordinance shall be in full force and effect from and after its passage and approval.

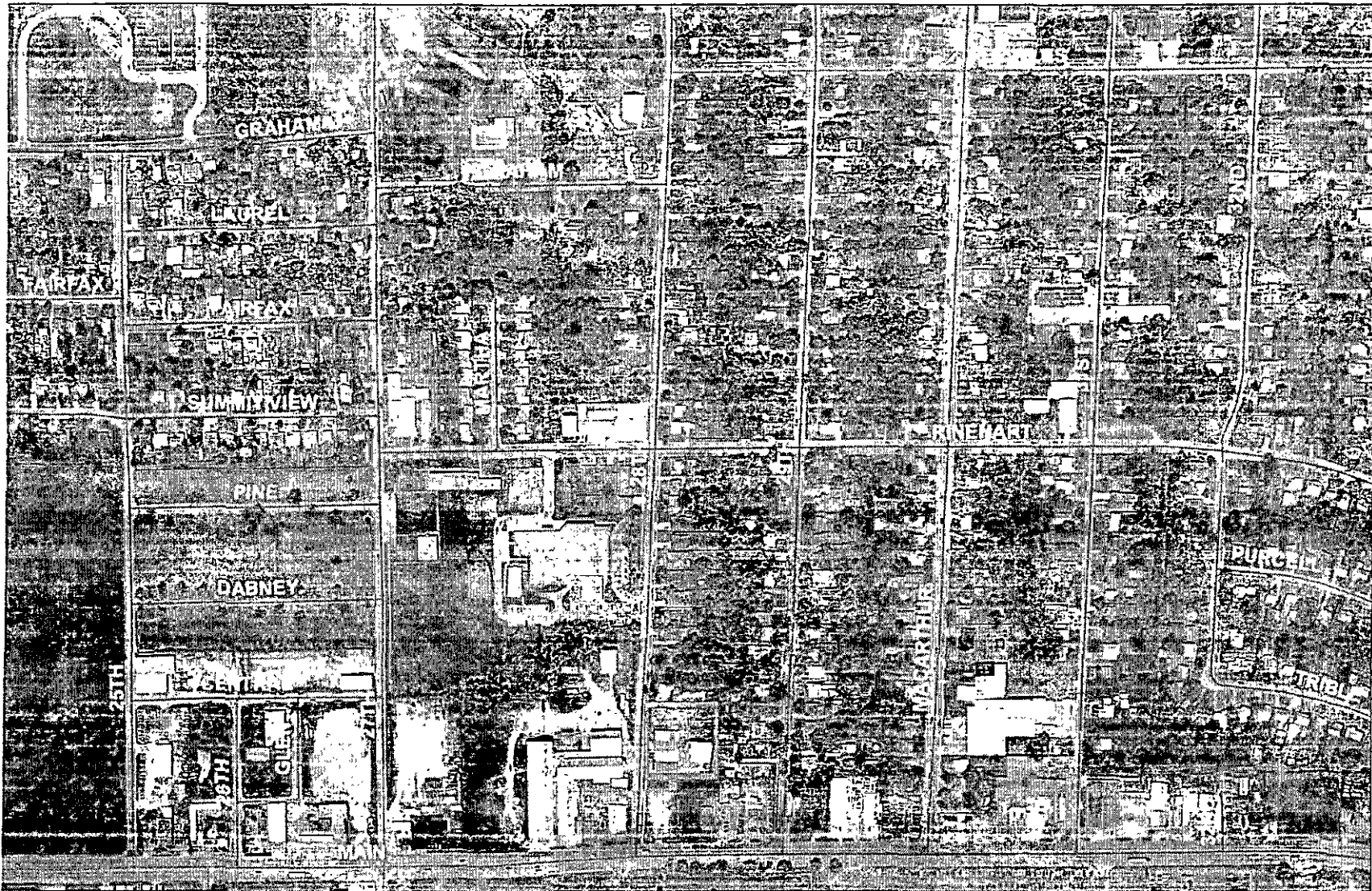
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE,  
TEXAS, THIS THE 14TH DAY OF AUGUST, 2007.

\_\_\_\_\_  
MAYOR, CITY OF GRAND PRAIRIE, TEXAS  
ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

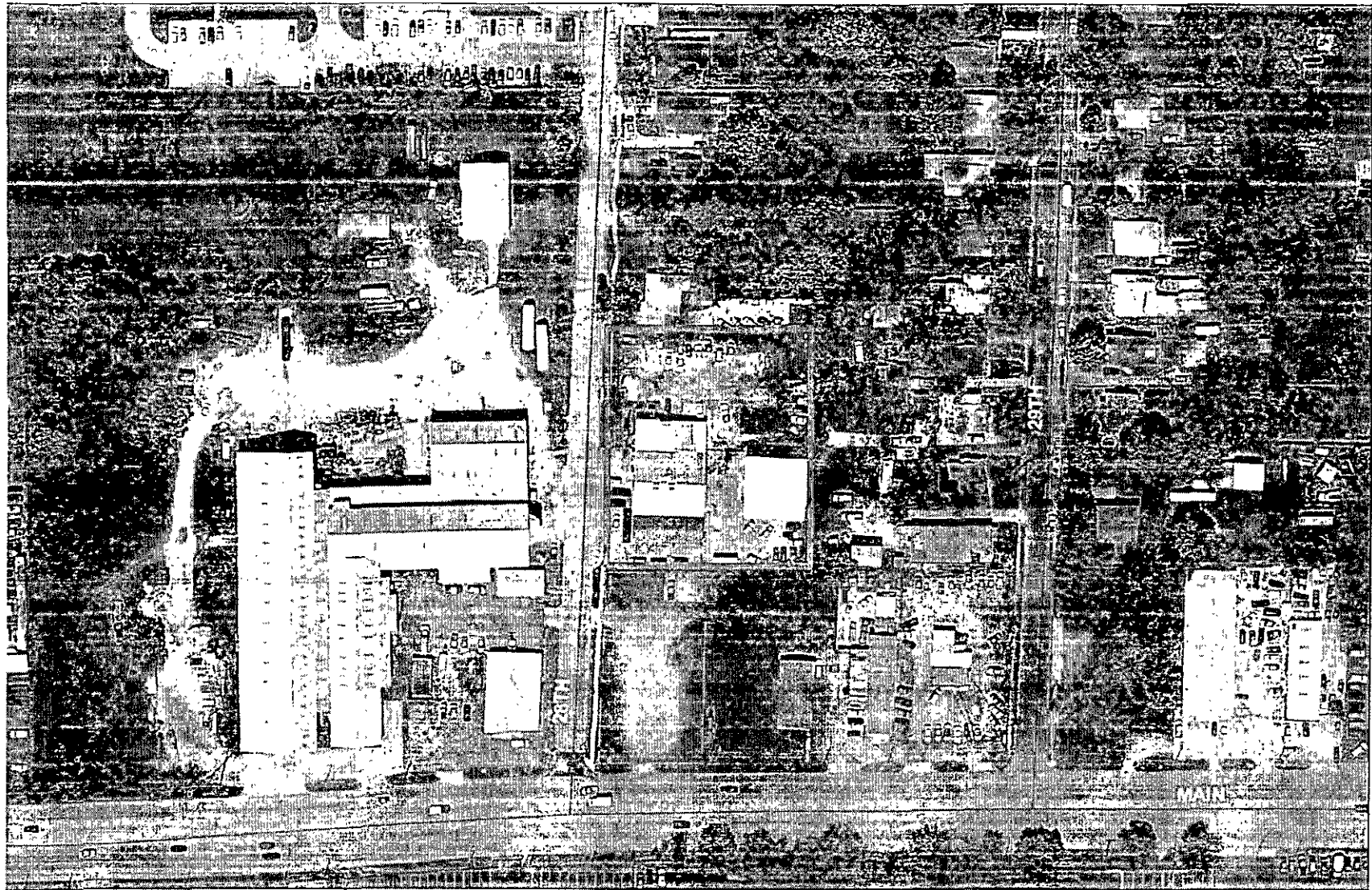


Attachment 3



**Delfasco Forge**  
**114 NE 28th Street**

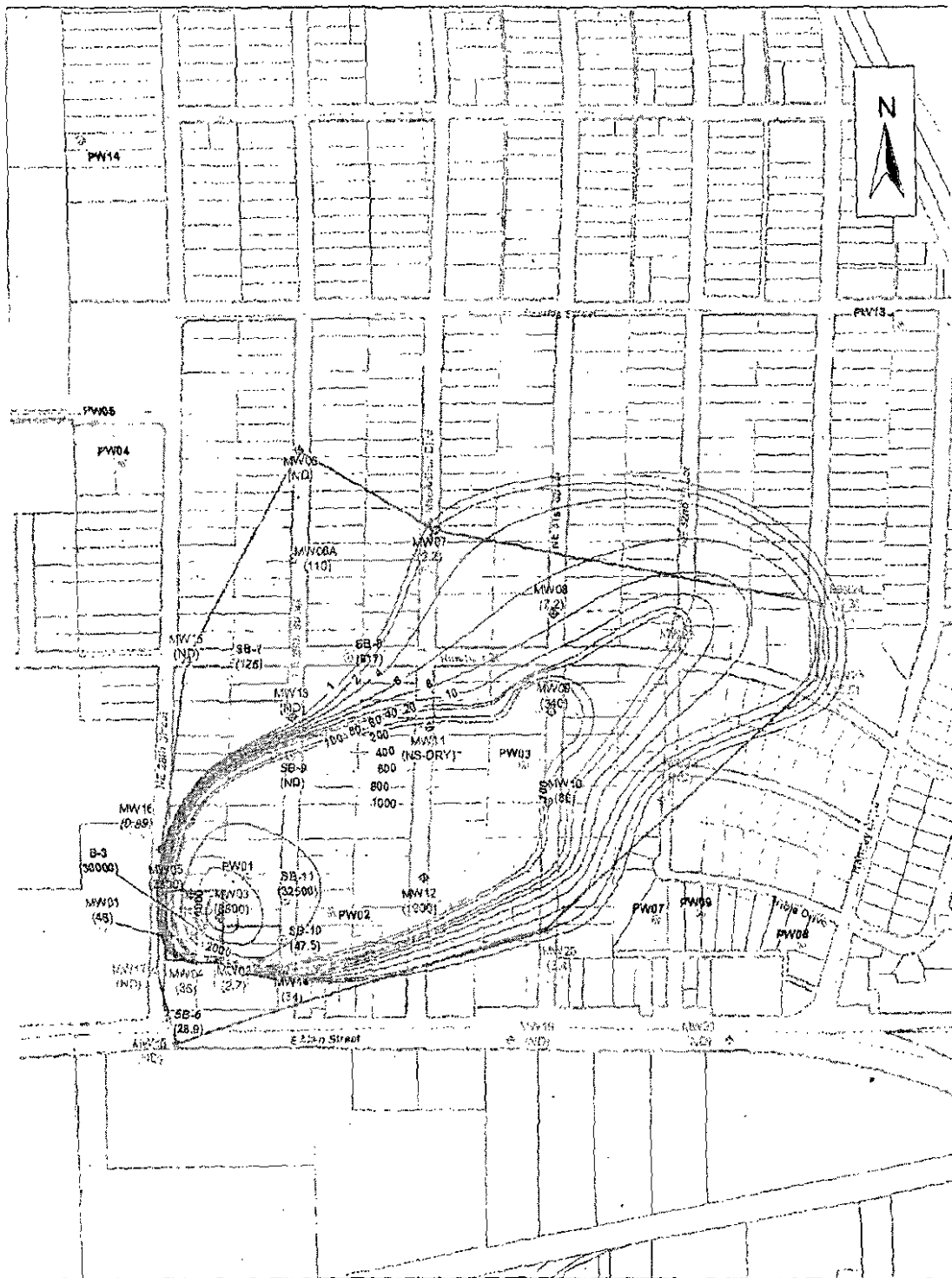
Prepared by: Jim Cummings  
 Date: 07/20/07



0 100 200 300 400 500 600 700 800 900 1000

# Delfasco Forge 114 NE 28th Street

Prepared By: Jim Cummings  
Department: ESD  
Date: 02/21/2001



- Monitor Wells Installed in May 2006
- Private Water Wells
- Temporary Monitor Well
- ⊕ Monitor Well
- State Registered Water Well
- ▭ Proposed MSD Boundary
- ▭ Delfasco Forge Property Boundary
- ▭ PCLE Zone
- 2006 TCE Concentration Contours
  - 1 to 10 ppb
  - 20 to 100 ppb
  - 200 to 1000 ppb
  - 2000 to 10,000 ppb
- October 2006 Sampling Results

400 0 400 800 Feet



ATTACHMENT 2  
TCE (ppb) GROUNDWATER  
ISOCENTRATION MAP  
FORMER DELFASCO FORGE FACILITY  
114 N.E. 28TH STREET  
GRAND PRAIRIE, TEXAS

DATE: 1/26/2007 D:\projects\Delfasco\Delfasco\Project Files\MSQ\gw and msd project.mpr

HEALTH & SAFETY CODE

SUBTITLE B. SOLID WASTE, TOXIC CHEMICALS, SEWAGE, LITTER, AND  
WATER

CHAPTER 361. SOLID WASTE DISPOSAL ACT

SUBCHAPTER W. MUNICIPAL SETTING DESIGNATIONS

§ 361.801. DEFINITIONS. In this subchapter:

(1) "Contaminant" includes:

- (A) solid waste;
- (B) hazardous waste;
- (C) a hazardous waste constituent listed in 40 C.F.R. Part 261, Subpart D, or Table 1, 40 C.F.R. Section 261.24;
- (D) a pollutant as defined in Section 26.001, Water Code;

and

(E) a hazardous substance:

- (i) as defined in Section 361.003; or
- (ii) subject to Subchapter G, Chapter 26, Water Code.

(2) "Potable water" means water that is used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes.

(3) "Response action" means the cleanup or removal from the environment of a hazardous substance or contaminant, excluding a waste, pollutant, or substance regulated by or that results from an activity under the jurisdiction of the Railroad Commission of Texas under Chapter 91 or 141, Natural Resources Code, or Chapter 27, Water Code.

Acts 2003, 78th Leg., ch. 731, § 1, eff. Sept. 1, 2003.

§ 361.8015. LEGISLATIVE FINDINGS. (a) The legislature finds that access to and the use of groundwater may need to be restricted to protect public health and welfare where the quality of groundwater presents an actual or potential threat to human health.

(b) The legislature finds that an action by a municipality to restrict access to or the use of groundwater in support of or to facilitate a municipal setting designation advances a substantial and legitimate state interest where the quality of the groundwater subject to the designation is an actual or potential threat to human health.

Acts 2003, 78th Leg., ch. 731, § 1, eff. Sept. 1, 2003.



§ 361.802. PURPOSE. The purpose of this subchapter is to provide authorization to the executive director to certify municipal setting designations for municipal properties in order to limit the scope of or eliminate the need for investigation of or response actions addressing contaminant impacts to groundwater that has been restricted from use as potable water by ordinance or restrictive covenant.

Acts 2003, 78th Leg., ch. 731, § 1, eff. Sept. 1, 2003.

§ 361.803. ELIGIBILITY FOR A MUNICIPAL SETTING DESIGNATION.

A person, including a local government, may submit a request to the executive director for a municipal setting designation for property if:

- (1) the property is within the corporate limits or extraterritorial jurisdiction of a municipality authorized by statute that has a population of at least 20,000; and
- (2) a public drinking water supply system exists that satisfies the requirements of Chapter 341 and that supplies or is capable of supplying drinking water to:
  - (A) the property for which designation is sought; and
  - (B) property within one-half mile of the property for which designation is sought.

Acts 2003, 78th Leg., ch. 731, § 1, eff. Sept. 1, 2003.

§ 361.804. APPLICATION FOR A MUNICIPAL SETTING DESIGNATION.

(a) A person seeking to obtain a municipal setting designation under this subchapter must submit an application to the executive director as prescribed by this section.

(b) An application submitted under this section must:

- (1) be on a form provided by the executive director;
- (2) contain the following:
  - (A) the applicant's name and address;
  - (B) a legal description of the outer boundaries of the proposed municipal setting designation and a specific description of the designated groundwater that will be restricted under the ordinance or restrictive covenant described by Section 361.8065(a)(2);
  - (C) a statement as to whether the municipalities or the retail public utilities entitled to notice under Section 361.805 support the proposed designation;
  - (D) an affidavit that affirmatively states that:
    - (i) the municipal setting designation eligibility criteria contained in Section 361.803 are satisfied;
    - (ii) true and accurate copies of all documents demonstrating that the municipal setting designation eligibility criteria provided by Section 361.803 have been satisfied are included with the application;



(iii) a true and accurate copy of a legal description of the property for which the municipal setting designation is sought is included with the application; and

(iv) notice was provided in accordance with Section 361.805;

(E) a statement regarding the type of known contamination in the groundwater beneath the property proposed for a municipal setting designation;

(F) proof of notice, as required by Section 361.805(c); and

(G) if available at the time of the application, a copy of the ordinance or restrictive covenant and any required resolutions satisfying the requirements described in Section 361.8065, or a statement that the applicant will provide a copy of the ordinance or restrictive covenant and any required resolutions satisfying the requirements described in Section 361.8065 before the executive director certifies the municipal setting designation in accordance with Section 361.807; and

(3) be accompanied by an application fee of \$1,000.

(c) Not later than 90 days after receiving an application submitted as provided by Subsection (b), the executive director shall:

(1) issue a municipal setting designation certificate in accordance with Section 361.807;

(2) deny the application in accordance with Section 361.806; or

(3) request additional information for the municipal setting designation application.

(d) Not later than the 45th day after the date the executive director receives any additional information requested under Subsection (c)(3), the executive director shall certify or deny the application.

(e) Fees collected under this section shall be deposited to the credit of the waste management account.

Acts 2003, 78th Leg., ch. 731, § 1, eff. Sept. 1, 2003.

§ 361.805. NOTICE. (a) On or before the date of submission of an application to the executive director, a person seeking a municipal setting designation must provide notice to:

(1) each municipality:

(A) in which the property for which the designation is sought is located;

(B) with a boundary located not more than one-half mile from the property for which the designation is sought; or

(C) that owns or operates a groundwater supply well located not more than five miles from the property for which the designation is sought;

(2) each owner of a private water well registered with the commission that is located not more than five miles from a boundary of the property for which the designation is sought; and

(3) each retail public utility, as defined by Section 13.002, Water Code, that owns or operates a groundwater supply well located not more than five miles from the property for which the designation is sought.

(b) The notice must include, at a minimum:

(1) the purpose of the municipal setting designation;  
(2) the eligibility criteria for a municipal setting designation;  
(3) the location and description of the property for which the designation is sought;  
(4) a statement that a municipality described by Subsection (a)(1) or retail public utility described by Subsection (a)(3) may provide written comments on any information relevant to the executive director's consideration of the municipal setting designation;

(5) a statement that the executive director will certify or deny the application or request additional information from the applicant not later than 90 days after receiving the application;

(6) the type of contamination on the property for which the designation is sought; and

(7) identification of the party responsible for the contamination of the property, if known.

(c) The applicant must submit copies of the notice letters delivered in accordance with Subsection (a) and the signed delivery receipts to the executive director with the application.

(d) For the purpose of this section, notice to a municipality must be provided to the city secretary for the municipality and notice to a retail public utility must be to the registered agent, the owner, or the manager.

(e) A municipality, retail public utility, or private well owner entitled to notice under this section may file comments with the executive director not later than the 60th day after the date the municipality, retail public utility, or private well owner receives the notice under this section.

Acts 2003, 78th Leg., ch. 731, § 1, eff. Sept. 1, 2003.

§ 361.806. DENIAL OF APPLICATION. (a) The executive director shall deny an application submitted under Section 361.804 if:

(1) any of the eligibility criteria described in Section 361.803 have not been met for the property for which the municipal setting designation is sought;  
(2) the application is incomplete or inaccurate; or  
(3) after the 60-day comment period described by Section 361.805(c), the executive director determines that the municipal setting designation would negatively impact the current and future regional water resource needs or obligations of a municipality, a retail public utility, or a private well owner described by Section 361.805(a).

(b) If the executive director determines that an application is incomplete or inaccurate, the executive director, not later than the 90th day after receipt of the

application, shall provide the applicant with a list of all information needed to make the application complete or accurate.

- (c) If the executive director denies the application, the executive director shall:
  - (1) notify the applicant that the application has been denied; and
  - (2) explain the reasons for the denial of the application.

Acts 2003, 78th Leg., ch. 731, § 1, eff. Sept. 1, 2003.

§ 361.8065. PRECERTIFICATION REQUIREMENTS. (a) Before the executive director may issue a municipal setting designation certificate under Section 361.807, the applicant must provide documentation of the following:

- (1) that the application is supported by a resolution adopted by:
  - (A) the city council of each municipality described by Section 361.805(a)(1)(B) or (C); and
  - (B) the governing body of each retail public utility described by Section 361.805(a)(3); and
- (2) that the property for which designation is sought is:
  - (A) subject to an ordinance that prohibits the use of designated groundwater from beneath the property as potable water and that appropriately restricts other uses of and contact with that groundwater; or
  - (B) subject to a restrictive covenant enforceable by the municipality in which the property for which the designation is sought is located that prohibits the use of designated groundwater from beneath the property as potable water and appropriately restricts other uses of and contact with that groundwater.

(b) A designation described by Subsection (a)(2)(B) must be supported by a resolution passed by the city council of the municipality.

Acts 2003, 78th Leg., ch. 731, § 1, eff. Sept. 1, 2003.

§ 361.807. CERTIFICATION. (a) If the executive director determines that an applicant has complied with Section 361.8065 and submitted a complete application, the executive director shall issue a copy of the municipal setting designation certificate to:

- (1) the applicant for the municipal setting designation;
- (2) each municipality, retail public utility, and private well owner described by Section 361.805(a); and
- (3) each person who submitted comments on the application for the municipal setting designation and anyone else who requested a copy during the review period.

(b) The municipal setting designation certificate shall:

- (1) indicate that the municipal setting designation eligibility criteria described in Section 361.803 are satisfied and that the executive director has certified the municipal setting designation;
- (2) indicate that any person addressing environmental impacts for a property located in the certified municipal setting designation shall complete any

necessary investigation and response action requirements in accordance with Section 361.808; and

(3) include a legal description of the outer boundaries of the municipal setting designation.

(c) If the executive director determines that an applicant has submitted a complete application except that an ordinance or restrictive covenant and any required resolutions satisfying the requirements described in Section 361.8065 have not been submitted, the executive director shall issue a letter to the applicant listed in Subsection (a) stating that a municipal setting designation will be certified on submission of a copy of the ordinance or restrictive covenant and any required resolutions satisfying the requirements described in Section 361.8065. On submission of the ordinance or restrictive covenant and any required resolutions satisfying the requirements described in Section 361.8065, the executive director shall issue a municipal setting designation certificate in accordance with Subsections (a) and (b).

Acts 2003, 78th Leg., ch. 731, § 1, eff. Sept. 1, 2003.

#### § 361.808. INVESTIGATION AND RESPONSE ACTION

REQUIREMENTS. (a) If no potable water wells are located within one-half mile beyond the boundary of a municipal setting designation, the executive director shall not require a person addressing environmental impacts for a property located in the municipal setting designation to:

(1) investigate the nature and extent of contamination in groundwater except to satisfy the requirements of Subsection (b); or

(2) conduct response actions to remove, decontaminate, or control environmental impacts to groundwater based solely on potential potable water use.

(b) Notwithstanding Subsection (a), the executive director shall require a responsible person to complete a response action to address environmental impacts to groundwater in a certified municipal setting designation if action is necessary to ensure:

(1) the protection of humans from exposures to environmental impacts to groundwater that are not related to a potable water use, including exposures from nonconsumptive uses and exposures resulting from inadvertent contact with contaminated groundwater; or

(2) the protection of ecological resources.

(c) If potable water wells are located within one-half mile beyond the boundary of a municipal setting designation, the executive director shall require a person addressing environmental impacts for a property located in the municipal setting designation to complete an investigation to determine whether groundwater contamination emanating from the property has caused or is reasonably anticipated to cause applicable human health or ecological standards to be exceeded in the area located within one-half mile beyond the boundary of the certified municipal setting designation.

(d) If an investigation described in Subsection (c) confirms that groundwater emanating from the property has not caused and is not reasonably anticipated to cause applicable human health or ecological standards to be exceeded in the area located within one-half mile beyond the boundary of the certified municipal setting designation, the

executive director shall approve the completion of groundwater response actions at the property except to the extent that response actions are necessary to satisfy Subsection (b).

(c) If an investigation described in Subsection (c) confirms that groundwater emanating from the property has caused or is reasonably anticipated to cause applicable human health or ecological standards to be exceeded in the area located within one-half mile beyond the boundary of the certified municipal setting designation, the executive director shall approve the completion of groundwater response action at the source property if the person addressing environmental impacts:

(1) completes response actions at the source property to remove, decontaminate, or control environmental impacts to groundwater to meet applicable human health or ecological standards; or

(2) completes response actions at the source property to remove, decontaminate, or control environmental impacts to groundwater that are not related to a potable water use, including actions to protect humans from exposures from nonconsumptive uses and exposures resulting from inadvertent contact with contaminated groundwater and actions to protect ecological resources, and:

(A) provides to owners of impacted potable water wells described in Subsection (c) a reliable alternate water supply that will provide a volume of water sufficient for the intended use for a period not shorter than the period that the impacted wells exceed the human health or ecological standards and, after obtaining permission from such owners, files a restrictive covenant that prohibits the use of groundwater from those wells as potable water and restricts other uses of groundwater in a manner consistent with groundwater quality; or

(B) expands the municipal setting designation in accordance with the procedures under this subchapter relating to the initial application for a municipal setting designation to include the properties with impacted potable water wells described in Subsection (c).

(f) Notwithstanding any other provision of this section, the executive director may require a person responsible for property within a certified municipal setting designation to complete a response action to address environmental impacts to groundwater emanating from the property that has caused or is reasonably anticipated to cause applicable human health or ecological standards to be exceeded in an area located more than one-half mile beyond the boundary of the certified municipal setting designation, provided such action is necessary to ensure:

(1) the protection of humans from exposures to environmental impacts to groundwater; or

(2) the protection of ecological resources.

(g) This subchapter relates to the scope of the response action that can be required by the executive director in municipal settings designated under this subchapter. Nothing in this subchapter shall be construed to alter or affect the private rights of action of any person under any statute or common law for personal injury or property damage caused by the release of contaminants. Nothing in this subchapter is meant to alter or supersede any requirement of a federally authorized environmental program administered by the State of Texas.

## Texas Municipal Setting Designations

MSD APP #	Applicant	MSD City	MSD Address	Maps (large files 15MB)	IC Form		Desig. GW (ft bgs)	Size (acres)	Rec'd Date	Status	Certified Date	Certificate
001	Carter Investment Co.	Houston		<a href="#">map</a>	----	----	----	----	9/06/03	Denied <sup>1</sup>		N/A
002	Goodwill Industries, Inc	Dallas	2800 N. Hampton Rd.	<a href="#">map</a>	ORD	RC	0-50	9.5	2/23/04	Certified	10/11/04	<a href="#">MSD</a>
003	Brownfield Stewardship Fund	Dallas	2306 Motor St.	<a href="#">map</a>	ORD	RC	0-50	4.2	2/27/04	Certified	10/11/04	<a href="#">MSD</a>
004	Atrium Companies, Inc	Irving	2101 E. Union Bower Rd.	<a href="#">map</a>	----	----	0-50	7.7	8/12/04	Withdrawn		N/A
005	Kansas City Southern	Port Arthur	237 W. 9 <sup>th</sup> St.	<a href="#">map</a>	ORD		0-50	6.2	1/18/05	Certified	03/22/05	<a href="#">MSD</a>
006	GPI Interim, Inc	Irving	1801 Hurd Dr.	<a href="#">map</a>	ORD	Res	0-50	5.2	2/18/05	Certified	02/17/06	<a href="#">MSD</a>
007	Neches St. Properties, LLC	Beaumont	1110 Neches St.	<a href="#">map</a>	ORD	RC	0-40	2.7	2/28/05	Certified	12/16/05	<a href="#">MSD</a>
008	Kimco Montgomery Ward Plaza	Fort Worth	2600 W. 7 <sup>th</sup> St	<a href="#">map</a>	ORD	----	<20	46.2	6/17/05	Certified	8/31/05	<a href="#">MSD</a>
009	City of Garland	Garland	1500 E. Hwy 66	<a href="#">map</a>	ORD	----	<30	142	6/28/05	Certified	03/06/06	<a href="#">MSD</a>
010	Brownfield Stewardship Fund	Dallas	3200 Ross Ave	<a href="#">map</a>	ORD	----	----	1.46	10/05/05	Certified	12/16/05	<a href="#">MSD</a>
011	Former Rental Service Corporation #440	Beaumont	4740 Washington Blvd.	<a href="#">map</a>	---	---	0-50	1.377	12/07/05	Certified	06/04/2007	<a href="#">MSD</a>

## Texas Municipal Setting Designations

MSD APP #	Applicant	MSD City	MSD Address	Maps (large files 15MB)	IC Form		Desig. GW (ft bgs)	Size (acres)	Rec'd Date	Status	Certified Date	Certificate
012	Block 588 Condominium Development, LP	Dallas	3110 Thomas Avenue	<a href="#">map</a>	ORD		<30	1.9	1/13/06	Certified	05/19/06	<a href="#">MSD</a>
013	GPI Interim, Inc	Euless	1205 Texas Star, 1103-1109 South Airport Circle, 1101 Pamela Dr	<a href="#">map</a>			0-50	3.83	2/10/06	Certified	02/07/07	<a href="#">MSD</a>
014	Crow- Billingsley #17, Ltd	Dallas	Floura at Routh Streets	<a href="#">map</a>	ORD			10.5	2/21/06	Certified	05/19/06	<a href="#">MSD</a>
015	Perry Homes a Joint Venture	Dallas	5914, -5930, 6008 Maple Ave	<a href="#">map</a>	ORD		20-45	7	2/21/06	Certified	05/12/06	<a href="#">MSD</a>
016	Cityville at Lemmon, LP.	Dallas	5110-5130 Lemmon Ave	<a href="#">map</a>	ORD	Res	3-40	1	2/22/06	Certified	05/19/06	<a href="#">MSD</a>
017	Gerdau Ameristeel Beaumont Wire Operations	Beaumont	220 Avenue A	<a href="#">map</a>			2-28	12	3/06/06	Certified	12/11/06	<a href="#">MSD</a>
018	Prescott Interests, Ltd.	Dallas	6200 Denton Dr.	<a href="#">map</a>	ORD		0-50	5	3/08/06	Certified	05/19/06	<a href="#">MSD</a>
019	Prescott Interests, Ltd.	Dallas	6262 Cedar Springs	<a href="#">map</a>	ORD		20-40	2	3/08/06	Certified	05/19/06	<a href="#">MSD</a>
020	Ohmstede, Ltd	Beaumont	895 North Main Street	<a href="#">map</a>	ORD	RC	0-45	14	3/16/06	Certified	05/19/06	<a href="#">MSD</a>
021	American Valve & Hydrant	Beaumont	3265 Hollywood	<a href="#">map</a>			0-20	1	6/28/06	Certified	1/22/07	<a href="#">MSD</a>
022	DTX Associates	Fort Worth	6612 Brentwood Stair Rd	<a href="#">map</a>			0-35	1	8/4/2006	Certified	11/28/06	<a href="#">MSD</a>
023	Bank of the West	Grapevine	108 W. Northwest Highway	<a href="#">map</a>	ORD	Res	10-35	4.5	8/31/06	Certified	11/01/06	<a href="#">MSD</a>

## Texas Municipal Setting Designations

MSD APP #	Applicant	MSD City	MSD Address	Maps (large files 15MB)	IC Form		Desig. GW (ft bgs)	Size (acres)	Rec'd Date	Status	Certified Date	Certificate
024	Greenway-Gaston, LLC	Dallas	4105-4204 Gaston, 916 N Haskell, 4122 Swiss Ave	<a href="#">map</a>	Ord		0-60	6.5	9/19/06	Certified	10/24/06	<a href="#">MSD</a>
025	16 <sup>th</sup> Ave. Holdings and Harcross Chemicals	Dallas	4900 Singleton; 2520, 2627 Weir	<a href="#">map</a>	Ord		0-23	47	10/11/06	Certified	12/15/06	<a href="#">MSD</a>
026	Woodall United Investors, Inc.	Dallas	704 N Griffin St.	<a href="#">map</a>	Ord		0-28	2	10/12/06	Certified	12/19/06	<a href="#">MSD</a>
027	Acme Brick	Fort Worth	2700-2800 W 7 <sup>th</sup> Street Area	<a href="#">map</a>	Ord		0-16	20	10/16/06	Certified	1/19/07	<a href="#">MSD</a>
028	Baylor Health Care Systems	Dallas	Bounded by Texas St., Live Oak St., Adair St. & Swiss Ave.	<a href="#">map</a>	Ord		10 - 70	41	11/1/06	Certified	03/12/07	<a href="#">MSD</a>
029	BLG Northside Development, L.P.	Fort Worth	600 North Main Street	<a href="#">map</a>	Ord		10-50	71	12/6/06	Certified	03/12/07	<a href="#">MSD</a>
030	Houston Street Aquisitions L.P.	Fort Worth	505 N. Houston Street	<a href="#">map</a>	Ord		0-20	1.6 acres	12/29/06	Certified	04/30/07	<a href="#">MSD</a>
031	Blackburn Central Holdings, Inc.	Dallas	3601 and 3605 McKinney and 3128 East Lemmon Ave.	<a href="#">map</a>	Ord		15-30	0.75	1/25/07	Certified	09/04/07	<a href="#">MSD</a>
032	Austin International Ventures	Dallas	900 -1226 Singleton Blvd., 905 and 1300 Duluth and 2625 Bolger.	<a href="#">map</a>	Ord		6-20	45.5	1/25/07	Certified	04/05/07	<a href="#">MSD</a>
033	QuikTrip	Duncanville	102 East Camp Wisdom Road.	<a href="#">map</a>			0-16	1.4	2/20/07	Certified	06/25/07	<a href="#">MSD</a>



## Texas Municipal Setting Designations

MSD APP #	Applicant	MSD City	MSD Address	Maps (large files 15MB)	IC Form		Desig. GW (ft bgs)	Size (acres)	Rec'd Date	Status	Certified Date	Certificate
034	Redwood Cedar, LLC	Dallas	4123 Cedar Springs	<a href="#">map</a>	<a href="#">Ord</a>		20-40	3	2/20/07	Certified	06/04/07	<a href="#">MSD</a>
035	Arbor Woods Development LLC	Dallas	3030 N. Hampton Rd.	<a href="#">map</a>	<a href="#">Ord</a>		15-20	9.6	2/20/07	Certified	05/16/07	<a href="#">MSD</a>
036	Spirit Master Funding III, LLC	Dallas	8401 Ambassador Rd.	<a href="#">map</a>	<a href="#">Ord</a>		7-50	7.25	3/5/07	Certified	06/06/07	<a href="#">MSD</a>
037	Helena Laboratories	Beaumont	1420 Linburgh Drive	<a href="#">map</a>	<a href="#">Ord</a>	<a href="#">RC</a>	0-22	1	4/2/07	Certified	07/03/07	<a href="#">MSD</a>
038	Synstation, L.P.	Fort Worth	300 Burnet Street	<a href="#">map</a>	<a href="#">Ord</a>		0-20	14	5/11/07	Certified	08/22/07	<a href="#">MSD</a>
039	Alta Design District, LLC	Dallas	1531 Inspiration Drive	<a href="#">map</a>	<a href="#">Ord</a>		0-70	5	6/5/07	Certified	08/22/07	<a href="#">MSD</a>
040	Bunge Oils, Inc.	Fort Worth	400 East Exchange Avenue	<a href="#">map</a>	<a href="#">Ord</a>		0-25	18	6/15/07	Certified	09/11/07	<a href="#">MSD</a>
041	City of Lubbock	Lubbock	5 <sup>th</sup> Street and Ave. J	<a href="#">map</a>	<a href="#">Ord</a>		0-140	9	6/18/07	Certified	2/14/208	<a href="#">MSD</a>
042	Balcones Realty Partners, LLC	Dallas	West Mockingbird Lane	<a href="#">map</a>	<a href="#">Ord</a>		8-32	7.25	6/21/07	Certified	09/17/07	<a href="#">MSD</a>
043	Dallas Design Destrict	Dallas	Oak Lawn Avenue & Hi Line	<a href="#">map</a>	<a href="#">Ord</a>		10-30	73	6/29/07	Certified	09/17/07	<a href="#">MSD</a>
044	Detrex Corporation	Arlington	322 international Prkway	<a href="#">map</a>	<a href="#">Ord</a>		0-30	41	6/14/07	Ineligible		
045	Lowe's Home Center, Inc.	Dallas	6011 Lemon Avenue	<a href="#">map</a>	<a href="#">Ord</a>			14	7/06/07	Certified	4/10/08	<a href="#">MSD</a>
046	City of Fort Worth	Fort Worth	Trinity Uptown	<a href="#">map</a>	<a href="#">Ord</a>		0-50	1962	7/11/07	Certified	12/07/07	<a href="#">MSD</a>

## Texas Municipal Setting Designations

MSD APP #	Applicant	MSD City	MSD Address	Maps (large files 15MB)	IC Form		Desig. GW (ft bgs)	Size (acres)	Rec'd Date	Status	Certified Date	Certificate
047	Ranco, Inc.	Brownsville	1900 Billy Mitchell Blvd.	<a href="#">map</a>	Res	RC	20-40	6	8/14/07	Certified	11/15/07	<a href="#">MSD</a>
048	Globus Industrial Partners, Ltd.	Dallas	10920 Indian Trails	<a href="#">map</a>	Ord		0-33	7	8/17/07	Certified	5/6/08	<a href="#">MSD</a>
049	First Industrial Texas, LP	Arlington	2401-2497 Centennial Drive	<a href="#">map</a>	Ord		5-28	4	8/24/07	Certified	1/24/08	<a href="#">MSD</a>
050	V.T., Inc.	Arlington	1100 W. Interstate Highway 20	<a href="#">map</a>	Ord		0-35	30	9/05/07	Certified	6/13/2008	<a href="#">MSD</a>
051	Sun Coast Resources, Inc.	Fort Worth	12409 Calloway Cemetery Road	<a href="#">map</a>	Ord		0-92	3	9/18/07	Certified	12/10/07	<a href="#">MSD</a>
052	Direct Fuels	Fort Worth	12401, 12485, and 12625 Calloway Cemetery Road	<a href="#">map</a>	Ord		33-169	46	9/18/07	Certified	12/10/07	<a href="#">MSD</a>
053	Goodrich Corporation	Fort Worth	4000 S. State Highway 157	<a href="#">map</a>	Ord		12-33	41	9/18/07	Certified	12/10/07	<a href="#">MSD</a>
054	Gemini Industries	Dallas	7220 C. F. Hawn Freeway	<a href="#">map</a>	Ord		11-35	4	9/18/07	Certified	2/22/08	<a href="#">MSD</a>
055	Preston Market Square, Ltd.	Dallas	14902-14856 Preston Road and 6160 Beltline Road	<a href="#">map</a>	Ord		0-30	31	9/27/07	Certified	12/7/07	<a href="#">MSD</a>
056	Metro Media Investments, LLC	Dallas	999 & 973 Metro Media Place	<a href="#">map</a>	Ord		10-20	8	10/02/07	Certified	02/08/08	<a href="#">MSD</a>
057	Buckley Oil	Dallas	1809 Rock Island Street	<a href="#">map</a>	Ord		10-70	2	10/11/07	Certified	1/7/2008	<a href="#">MSD</a>

2/4/2009

## Texas Municipal Setting Designations

MSD APP #	Applicant	MSD City	MSD Address	Maps (large files 15MB)	IC Form		Desig. GW (ft bgs)	Size (acres)	Rec'd Date	Status	Certified Date	Certificate
058	Drake Realty, LP	Fort Worth	500 North Main Street	<a href="#">map</a>	<a href="#">Ord</a>		10-35	2	10/16/07	Certified	5/29/2008	<a href="#">MSD</a>
059	Wycliff Tollway, Ltd.	Dallas	2525 Wycliff Avenue	<a href="#">map</a>	<a href="#">Ord</a>		17-22	4	11/16/07	Certified	02/08/08	<a href="#">MSD</a>
060	The Gillette Company	Greenville	1001 Ed Rutherford Road	<a href="#">map</a>	<a href="#">Ord</a>		4-75	.99	11/08/07	Certified	4/3/08	<a href="#">MSD</a>
061	City of Irving	Irving	200 South Jefferson Street	<a href="#">map</a>	<a href="#">Ord</a>		20-35	5	12/3/07	Certified	2/28/08	<a href="#">MSD</a>
062	Dallas Woodall Property LLC	Dallas	1616 Woodall Rogers Freeway	<a href="#">map</a>	<a href="#">Ord</a>		5-20	2	12/10/07	Certified	3/6/08	<a href="#">MSD</a>
063	Jefferson Arts District GP LLC	Dallas	2603, 2613, 2623, Ross Avenue	<a href="#">map</a>	<a href="#">Ord</a>		30-70	2	12/12/07	Certified	3/13/08	<a href="#">MSD</a>
064	Quick Trip Corporation	McKinney	SWC EL Dorado Parkway & US Highway 5	<a href="#">map</a>	<a href="#">Ord</a>	<a href="#">RC</a>	15-27	7	12/17/07	Certified	6/8/2008	<a href="#">MSD</a>
065	Holman Boiler Works	Dallas	1956 Singleton Blvd.	<a href="#">map</a>	<a href="#">Ord</a>		13-30	15	1/4/08	Certified	3/25/08	<a href="#">MSD</a>
066	MHJ, Ltd	Dallas	6608, 6612, 6620, 6650, & 6700 Harry Hines Blvd.	<a href="#">map</a>	<a href="#">Ord</a>		25-45	5	1/23/08	Certified	7/22/2008	<a href="#">MSD</a>

2/4/2009

## Texas Municipal Setting Designations

MSD APP #	Applicant	MSD City	MSD Address	Maps (large files 15MB)	IC Form		Desig. GW (ft bgs)	Size (acres)	Rec'd Date	Status	Certified Date	Certificate
067	Caver Family Trust	Dallas	2057 and 2071 Singleton Blvd. & 3000, 3010, and 3030 N. Hampton Rd.	<u>map</u>	<u>Ord</u>		0-25	4	2/20/08	Certified	5/20/08	<u>MSD</u>
068	Charter Hampton LP	Dallas	2600 Block South Hampton	<u>map</u>	<u>Ord</u>		0-11	8	4/7/2008	Certified	6/23/2008	<u>MSD</u>
069	Bulwood LLC	Dallas	1600 and 1702 South Central Expressway	<u>map</u>	<u>Ord</u>		0-45	4	5/6/2008	Certified	7/2/2008	<u>MSD</u>
070	Museum Place Holdings LLP	Fort Worth	3100-3300 Blk W. 7th, W. 6th,	<u>map</u>	<u>Ord</u>		8-20	15	5/20/2008	Certified	8/28/2008	<u>MSD</u>
071	Radio Shack Corporation	Fort Worth	401 NE 38th Street	<u>map</u>	<u>Ord</u>			9	5/29/2008	Pending	1/23/2009	<u>MSD</u>
072	Bobby Cox Companies	Fort Worth	3709 E. First Street	<u>map</u>	<u>Ord</u>			12	6/3/2008	Certified	9/5/2008	<u>MSD</u>
073	JP Morgan Chase Bank	Arlington	924 E Park Row Drive	<u>map</u>	<u>Ord</u>			1	6/16/2008	Certified	9/19/2008	<u>MSD</u>

2/4/2009

## Texas Municipal Setting Designations

MSD APP #	Applicant	MSD City	MSD Address	Maps (large files 15MB)	IC Form		Desig. GW (ft bgs)	Size (acres)	Rec'd Date	Status	Certified Date	Certificate
074	Cypress/Carlyle Mockingbird, LLP	Dallas	4500-4770 West Mockingbird Lane	<a href="#">map</a>	Ord			14	6/16/2008	Certified	8/7/2008	<a href="#">MSD</a>
075	Union Pacific Railroad	Houston	10965 Westpark Drive	<a href="#">map</a>	Ord			16	6/25/2008	Pending		
076	LG Magnolia, LP	Dallas	1100 McKinney Avenue	<a href="#">map</a>	Ord			5	7/1/2008	Certified	9/26/2008	<a href="#">MSD</a>
077	Redfield Investments, LP	Dallas	5422 Redfield	<a href="#">map</a>	Ord			13	7/2/2008	Certified	9/2/2008	<a href="#">MSD</a>
078	Bibbentuckers, LLC	Dallas	11741 Preston Road	<a href="#">map</a>	Ord			1	7/28/2008	Certified	10/7/2008	<a href="#">MSD</a>
079	Lakeview BP Land, LP	Missouri City	14502 Fondren Road	<a href="#">map</a>	Ord			8	7/30/2008	Certified	10/23/2008	<a href="#">MSD</a>
080	QuikTrip Corporation	Plano	650 Avenue K	<a href="#">map</a>	Ord			2	8/6/2008	Certified	10/23/2008	<a href="#">MSD</a>
081	Jomarc Property Corp	Carrollton	1215 W Crosby Road, 1310 Electronics Drive	<a href="#">map</a>	Ord			77	8/13/2008	Certified	11/18/2008	<a href="#">MSD</a>

## Texas Municipal Setting Designations

MSD APP #	Applicant	MSD City	MSD Address	Maps (large files 15MB)	IC Form		Desig. GW (ft bgs)	Size (acres)	Rec'd Date	Status	Certified Date	Certificate
082	3643 Northwest HWY, LP	Dallas	3643 Northwest Highway	<a href="#">map</a>	Ord			43	8/13/2008	Certified	11/18/2008	<a href="#">MSD</a>
083	LUI houston Studemont, L.P.	Houston	1200 Givens	<a href="#">map</a>	Ord			1	9/3/2008	Pending		
084	Texas Blue Saddle, Ltd.	Denton	SW Corner of IH-35 & U.S. 380	<a href="#">map</a>	Res	RC		8	9/5/2008	Certified	12/3/2008	<a href="#">MSD</a>
085	Southland, Inc.	Dallas	2909 & 2911 E. Ledbetter Drive	<a href="#">map</a>	Ord		0-35	0.9	9/15/2008	Pending		
086	2525 Mockingbird, LC	Dallas	2525 Mockingbird Lane	<a href="#">map</a>	Ord		15-50	1.5	9/29/2008	Certified	12/17/2008	<a href="#">MSD</a>
087	JLO JV XII a Texas Limited Partnership	Dallas	10850-10858 Harry Hines Blvd.	<a href="#">map</a>	Ord		0-25	7.5		Certified	12/9/2008	<a href="#">MSD</a>
088	Sewell Corporation	Dallas	6211 and 6303 Cedar Springs Road	<a href="#">map</a>	Ord		15-40	11		Certified	1/14/2009	<a href="#">MSD</a>
089	CR Assets, Inc.	Dallas	7203, 7210, 7218, 7140, 7160, and 7070 Skillman Street	<a href="#">map</a>	Ord		13-40	93		Certified	1/27/2009	<a href="#">MSD</a>

2/4/2009

## Texas Municipal Setting Designations

MSD APP #	Applicant	MSD City	MSD Address	Maps (large files 15MB)	IC Form		Desig. GW (ft bgs)	Size (acres)	Rec'd Date	Status	Certified Date	Certificate
090	6814 HH Partners, LP	Dallas	6814 Harry Hines and 2100 Langston Court	map	Ord		15-30	15	11/7/2008	Pending		
091	Iowa Park Road, LLC	Wichita Falls	2522 Iowa Park Road				0-50	5	11/12/2008	Pending		
092	Eastham Forge, Inc.	Beaumont	930 Franklin Street		Ord	RC	0-30	0.5	11/24/2008	Pending		
093	South Dallas/Fair Park Innercity Development Corporation	Dallas	3103-3129 Grand Avenue		Ord		20-70	2	12/8/2008	Pending		
094	Schnee-Morehead, Inc.	Irving	111 Nursery Road				24-35	4	12/11/2008	Pending		
095	QuikTrip Corporation	Burleson	115 & 117 SW Wilshire Blvd.				8-15	1	12/12/2008	Pending		
096	Fondren Road Plaza	Houston	7042 Bissonet				18-25	7.5	12/16/2008	Pending		

2/4/2009

## Texas Municipal Setting Designations

MSD APP #	Applicant	MSD City	MSD Address	Maps (large files 15MB)	IC Form		Desig. GW (ft bgs)	Size (acres)	Rec'd Date	Status	Certified Date	Certificate
097	RCC Maple, Ltd.	Dallas	6102, 5925, 5919, and 6010 Forest Park Road				15-65	17	12/17/2008	Pending		
098	Gary K Ferguson & Bohico Holdings, Ltd.	Houston	8761 West Belfort				0-29	8.5	1/2/2009	Pending		
099	Houston Pavilions, L.P.	Houston	1210 and 1303 San Jacinto Street				25-65	5	1/13/2009	Pending		

Map of MSD sites in Dallas County

Map of MSD sites in Tarrant County

Map of MSD sites in Southeast Texas

Map of MSD sites in Lubbock

IC - institutional control; Desig. GW - designated groundwater; ft bgs - feet below ground surface; ORD - ordinance; RC- restrictive covenant;  
Res - resolution

1. No city support, 2. Awaiting IC, 3. Awaiting additional information

2/4/2009